

JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney  
JOANN M. SWANSON (CSBN 88143)  
Chief, Civil Division  
CLAIRE T. CORMIER (CSBN 154364)  
Assistant United States Attorney  
150 Almaden Blvd., Suite 900  
San Jose, California 95113  
Telephone: (408) 535-5082  
FAX: (408) 535-5081  
claire.cormier@usdoj.gov

Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

GUSTAVO T. VILLANUEVA,

Plaintiff,

v.

CONDOLLEEZA RICE as Secretary of the  
United States Department of State;  
MAURA HARTY; CONSUELO  
PACHON; and KEVIN LEWIS SPRIGGS,

Defendants.

No. 07-05721 PVT

**DECLINATION TO PROCEED  
BEFORE A UNITED STATES  
MAGISTRATE JUDGE AND  
REQUEST FOR REASSIGNMENT TO  
A UNITED STATES DISTRICT  
JUDGE**

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The Federal Defendants hereby decline to consent to the assignment of this case to a  
United States Magistrate Judge for trial and disposition and hereby request the reassignment of  
this case to a United States District Judge.

Respectfully submitted,

DATED: January 15, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

/s/ Claire T. Cormier

CLAIRE T. CORMIER  
Assistant United States Attorney  
Attorney for Federal Defendants

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**DECLINATION TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE  
AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

☒ **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

☐ **PERSONAL SERVICE (BY MESSENGER)**

☐ **FACSIMILE (FAX)** Telephone No.: \_\_\_\_\_

☐ **ELECTRONIC MAIL**

to the party addressed as follows:

Gustavo T. Villanueva  
1301 Cougar Creek Drive  
Patterson, CA 95363

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15th day of January, 2008, at San Jose, California

/s/ Claire T. Cormier  
Claire T. Cormier